

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 (healre01.012)

Applicant: Falchuk, et al. **Confirmation No.:** 7848

Application No: 09/730,299 **Group Art Unit:** 3626

Filed: 12/05/2000 **Examiner:** Pass, Natalie

Title: *A medical consultation management system*

Commissioner for Patents
 Alexandria, VA 22313-1450
 Filed via EFS

Submission in an RCE under 37 C.F.R. 1.114(a)

Summary of the prosecution

In a final Office action mailed 7/5/2006, Examiner rejected claims 1-4 under 35 U.S.C. 112, second paragraph as being vague and indefinite and persisted in her rejections of claims 1 and 2 under 35 U.S.C. 102 as anticipated by Telemedicine and of claims 3-4 under 35 U.S.C. 103 as obvious over the combination of Telemedicine and Abrahamson.

Applicants filed an RCE with a *Submission* on 6 November 2006 which amended claims 1,3, and 4 to overcome the rejection under 35 U.S.C. 112. The *Submission* further included a traversal of the rejections under 35 U.S.C. 102 and 103.

Examiner mailed a non-final Office action in the RCE on 12/18/2006. In the Office action, Examiner rejected claims 1 and 2 under 35 U.S.C. 101 as directed to non-statutory subject matter, rejected claims 1 and 2 under 35 U.S.C. 103 as unpatentable over the combination of Telemedicine and *Bringing Health Care On Line: The role of Information Technologies*, Chapter 5: "Telemedicine: Remote Access to Health Services and Information", September 1995, which may be found at www.wws.princeton.edu/ota/disk1/1995/9507/950707.pdf and www.wws.princeton.edu/ota/disk1/1995/9507/950701.pdf, hereinafter "Remote".

Applicants amended claim 1 to overcome the rejection under 35 U.S.C. 101 and traversed the rejection under 35 U.S.C. 103.

Examiner then mailed a final Office action in the RCE on 4/3/2007. Applicants
5 requested a telephonic interview which was held on July 12, 2007 with Examiner Natalie Pass and an examiner with signatory authority. In preparation for the interview, Applicants emailed Examiner Pass an *Amended claim and Argument* which included a version of claim 1 which had been amended to emphasize the character and role of the intermediary. The *Argument* pointed out the distinctions between the amended claim and
10 the references of record. The Examiners concluded that a claim like claim 1 in which certain limitations from the preamble had been moved into the body of the claim would not be anticipated or rendered obvious by the references of record. Applicants are hereby amending their claim 1 to achieve that end and are amending the dependent claims to bring them into conformity with claim 1 as amended.

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Please amend the claims as follows: